

Exhibit 4

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEITH TURNER,

Plaintiff,

- against -

INDEX NO.:
06 CV 1910

NYU HOSPITALS CENTER, NYU MEDICAL
CENTER, NYU SCHOOL OF MEDICINE, AND
NYU HEALTH SYSTEM,

Defendants.

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60 East 42nd Street
New York, New York
November 27, 2006
1:20 P.M.

EXAMINATION BEFORE TRIAL OF ROBERT

STEPHEN, a non-party witness, taken by the
attorneys for the respective parties herein,
pursuant to Subpoena, and held before Deborah
Thier, a Notary Public of the State of New York at
the above-stated time and place.

* * * *

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1 Robert Stephen 6
2 N.Y.U.
3 A Udel DeGazon told me about it.
4 Q How did you know Mr. DeGazon?
5 A I know him from a cultural club that we
6 belong to, or we had belonged to.
7 Q When did you first meet Mr. DeGazon?
8 A When did I first meet him?
9 Q Right. If 1997 is when you joined
10 N.Y.U., what year prior to that would you say you
11 first met Mr. DeGazon?
12 A Maybe about three years before that.
13 Q Are you related to him in any way?
14 A No.
15 Q Are you related to any employee of
16 N.Y.U.
17 A No.
18 Q Do you know Anthony Lewis?
19 A Anthony Lewis, yes.
20 Q Is he related to you through a marriage
21 or --
22 A Yes, he's my brother-in-law.
23 Q Was he at N.Y.U. before you joined or
24 after you joined?
25 A After I joined.

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1 Robert Stephen 7
2 Q So he was hired after you joined.
3 Mr. DeGazon is Udel DeGazon, correct?
4 A That is correct.
5 Q He was also born in St. Lucia, right?
6 A Yes.
7 Q So you didn't know Mr. DeGazon in St.
8 Lucia, you met him in this country?
9 A That's correct.
10 Q How long have you lived in the United
11 States?
12 A Since 1973.
13 Q How old are you?
14 A Forty-eight.
15 Q What position were you hired for in
16 1997?
17 A Supervisor.
18 Q Supervisor in the building services
19 department, right?
20 A Correct.
21 Q Involved in the patient transport area?
22 A In the cleaning area at the time, yes.
23 Q It was the cleaning area at the time?
24 A Yes.
25 Q At some point did your supervisory job

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1 Robert Stephen 8
2 involve patient transport?
3 A After, yeah.
4 Q Do you have a sense as to when you
5 covered patient transport?
6 A Covered patient transport about a year
7 after I were hired.
8 Q You've received annual performance
9 evaluations?
10 A Yeah, I guess.
11 Q For a period of time Joey Morelos was
12 the head of your department?
13 A Yes.
14 Q He joined N.Y.U. after you were there,
15 right? You joined in 1997, he came in 2001.
16 A Afterwards, right.
17 Q Likewise, Mr. Turner, Keith Turner, you
18 know him, he's sitting next to me, right?
19 A Yes.
20 Q He joined N.Y.U. in 2002. Do you
21 recall that?
22 A He came after me.
23 Q He came several years after you?
24 A After.
25 Q You Bozena Sutowski, correct?

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1 Robert Stephen 9
2 A Correct.
3 Q She joined N.Y.U. several years after
4 you, correct?
5 A Correct.
6 Q And you know Corie Fromkin, she joined
7 N.Y.U. several years after you, correct?
8 A Correct.
9 Q All three of them, Keith Turner, Bozena
10 Sutowski, Corie Fromkin, are no longer at N.Y.U.,
11 correct?
12 A Correct.
13 Q You were supervisor of building
14 services department from 1997 until at some point
15 when you were promoted to manager of building
16 services department?
17 A Correct.
18 Q And you're black?
19 A Yes.
20 Q And so is Mr. DeGazon, right?
21 A Right.
22 Q When Keith Turner was at N.Y.U., you
23 knew him as a manager of building services,
24 correct?
25 A Correct.

3 (Pages 6 to 9)

Page 22

1 Robert Stephen 22
 2 A Ms. Pineda.
 3 Q When did you receive it?
 4 A I don't remember the date.
 5 Q Well, are you able to place the date
 6 and context of Mr. Turner being at N.Y.U. or no
 7 longer at N.Y.U.?
 8 MR. SHAPIRO: Or before.
 9 Q In other words, did you receive it as a
 10 manager or as a supervisor?
 11 A As a supervisor.
 12 Q Were you placed on a final warning?
 13 A No.
 14 MR. GOLDBERG: We request a copy of any
 15 warning given to Mr. Stephen.
 16 Q What was the warning for?
 17 A I was an escort, I was working in
 18 escort. I was a supervisor and there is something
 19 we call a red zone when there are a lot of
 20 patients, like in the emergency room, and I had to
 21 go out to lunch and she didn't think I should have
 22 left the building, but I had something to do
 23 outside, so I left.
 24 Q She issued you a memo criticizing you
 25 for this?

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1 Robert Stephen 23
 2 A Yes.
 3 Q I don't have the memo, as far as I
 4 know. I've just asked your attorney to produce
 5 it.
 6 A Okay.
 7 Q I've seen memos where someone
 8 criticizes somebody work, I've read memos where it
 9 says, I'm putting you on a warning. As between
 10 those two, is it just a memo that criticized you?
 11 A Yes.
 12 Q So it's not a memo that said, I'm
 13 putting you on warning, it's a memo saying you did
 14 something, I'm not happy about it and --
 15 A I shouldn't do it again, yeah.
 16 Q Is it fair to say that you were never
 17 put on a warning at N.Y.U., correct?
 18 A No, I wasn't put on a warning.
 19 Q Right, you got a warning from Ms.
 20 Pineda criticizing you for leaving the building
 21 when she thought you should have stuck around,
 22 right?
 23 A Yes.
 24 Q One memo?
 25 A Yes.

Page 24

1 Robert Stephen 24
 2 Q Did you ever receive any other memos
 3 from her like that?
 4 A I've received criticism, you know, in
 5 the form of e-mails.
 6 Q Verbal?
 7 A Verbal also.
 8 Q So Ms. Pineda had some criticisms of
 9 you from time to time?
 10 A Sure.
 11 Q Were any of those memos reflected in
 12 any of your evaluations that you received?
 13 A I don't remember. I mean, my last
 14 evaluation was -- my last evaluation was so, so.
 15 Q You got that this year in 2006?
 16 A That's last year's.
 17 Q You got one in 2005?
 18 A Yes.
 19 MR. GOLDBERG: We request a copy of the
 20 2005 evaluation for Mr. Stephen.
 21 Q Is Ms. Pineda still in the position of
 22 associate director?
 23 A Yes.
 24 Q So in terms of evaluations, the form
 25 that I've seen, and I'll show you what I'll have

Page 25

1 Robert Stephen 25
 2 marked as Exhibit 31, N0164 through N0174.
 3 (Whereupon, bates stamps N0164 through
 4 N0174 were marked as Plaintiff's Exhibit 31
 5 for identification, as of this date.)
 6 Q So Exhibit 31, this looks to me to be
 7 an evaluation for you from March, '01. Does that
 8 look --
 9 A Looks like it.
 10 Q In March of '01, according to this
 11 document, the overall rating in this document
 12 says, exceeds performance standards. Is it fair
 13 to say you were happy with this evaluation from
 14 '01?
 15 A Of course.
 16 Q Do you recall what you got in your
 17 overall ratings after '01? Were they exceeds --
 18 A No, I don't recall.
 19 Q -- or meets?
 20 The one that you say you just got so,
 21 so, was overall rating meets --
 22 A Yeah.
 23 Q So you never got a rating below meets
 24 performance standards?
 25 A No, overall.

7 (Pages 22 to 25)

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1 Robert Stephen 26
 2 Q That's right, overall.
 3 But I guess there's some criticism in
 4 your most recent evaluation that you're not happy
 5 with?
 6 A Yes.
 7 MR. GOLDBERG: I'll check the file, but
 8 we request 2002 forward. I don't think
 9 they've all been produced. So if N.Y.U. has
 10 them, we request them.
 11 Q This evaluation looks like it was
 12 signed by Ms. Pineda and Mr. DeGazon, right?
 13 A Right.
 14 Q The note on this, do you think that's
 15 Ms. Pineda's handwriting?
 16 A Yes.
 17 MR. SHAPIRO: For the record, N0174
 18 under the written comments, that's Ms.
 19 Pineda's handwriting?
 20 THE WITNESS: Correct.
 21 Q So it looks like she wrote at the end,
 22 tell me if I have this correct, Mr. Stephen has
 23 shown that he is also a leader with potentials.
 24 He has an excellent future in our department.
 25 Does that look like I read that

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1 Robert Stephen 27
 2 correctly starting from there?
 3 A Yes.
 4 Q So Ms. Pineda wrote a memo to you
 5 criticizing you about a matter. You're saying she
 6 e-mailed you from time to time with criticism or
 7 feedback?
 8 A Right.
 9 Q Your performance evaluations have been
 10 meets standards or better, yes?
 11 A Right, right.
 12 Q Would it be fair to say that you have
 13 felt Mr. DeGazon to be supportive of you over the
 14 years?
 15 A Supportive?
 16 Q Yes.
 17 A Yes.
 18 Q During a typical day, did you ever
 19 observe Mr. Turner and Ms. Sutowski do the
 20 check-in in the morning?
 21 A Many mornings.
 22 Q Were there mornings when Mr. DeGazon
 23 came over across the street and was there as well?
 24 A Sure.
 25 Q And spoke to you from time to time at

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1 Robert Stephen 28
 2 those check-ins?
 3 A Spoke to everybody, yes.
 4 Q And he spoke to you regularly, right?
 5 A Sure.
 6 Q And Ms. Pineda came across the street
 7 as well?
 8 A Ms. Pineda came -- no, Ms. Pineda was
 9 always there, most of the time.
 10 Q She was there for check-ins?
 11 A Yes.
 12 Q And she spoke Spanish with some of the
 13 supervisors?
 14 A She tries not to speak Spanish in front
 15 of us because some of us don't understand.
 16 Q But she's fluent in Spanish?
 17 A Right.
 18 Q And there are supervisors who are
 19 fluent in Spanish?
 20 A Yes.
 21 Q Ms. Rodriguez is one of those, right?
 22 A Yes.
 23 Q You met Mr. DeGazon through a cultural
 24 club, correct?
 25 A Yes.

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1 Robert Stephen 29
 2 Q Would it be fair to say you became
 3 friends?
 4 A Yes.
 5 Q Would it be that you socialized with
 6 him once in a while?
 7 A Yes.
 8 Q Would that include going out for lunch
 9 or dinner on weekends?
 10 A No, not that, but whenever I met
 11 him, --
 12 Q You socialized with him, right?
 13 A Yeah, sure.
 14 Q Obviously, you got an evaluation in
 15 2001 that said exceeds performance standards.
 16 That came from Ms. Pineda and Mr. DeGazon,
 17 correct?
 18 A Yes.
 19 Q They were supportive of you certainly
 20 in this evaluation, Exhibit 31?
 21 A Yes.
 22 Q And you've had success at N.Y.U. under
 23 Mr. DeGazon and Ms. Pineda, correct?
 24 A That's the only place I've been.
 25 Q I'm saying you've been successful at

8 (Pages 26 to 29)

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<p>1 Robert Stephen 30</p> <p>2 N.Y.U. reporting to Ms. Pineda and Mr. DeGazon?</p> <p>3 A Yes.</p> <p>4 Q And they have been supportive of your</p> <p>5 career at N.Y.U., correct?</p> <p>6 A Yes, sure. Yes.</p> <p>7 Q Let me show you Exhibit number 6. It's</p> <p>8 a staff handbook. That's a document that you</p> <p>9 received at N.Y.U. in the course of your</p> <p>10 employment, right?</p> <p>11 A I guess, yeah.</p> <p>12 MR. SHAPIRO: If you remember seeing</p> <p>13 it.</p> <p>14 A Yeah, I've seen it.</p> <p>15 Q Let me --</p> <p>16 A I don't remember it in photostat form</p> <p>17 like this.</p> <p>18 Q I understand. This is the way it was</p> <p>19 produced by you.</p> <p>20 MR. GOLDBERG: 32 is N0563 through</p> <p>21 N0605.</p> <p>22 (Whereupon, the bates stamps N0563</p> <p>23 through N0605 was marked as Plaintiff's</p> <p>24 Exhibit 32 for identification, as of this</p> <p>25 date.)</p>	<p>1 Robert Stephen 32</p> <p>2 N.Y.U. produced.</p> <p>3 A Yeah, that is mine.</p> <p>4 Q Did you fill that out before N.Y.U.</p> <p>5 hired you or after N.Y.U. hired you?</p> <p>6 A I don't remember.</p> <p>7 Q Is it your handwriting on the document?</p> <p>8 A That's my handwriting.</p> <p>9 Q The document looks like it's dated</p> <p>10 April, 1997. Is that when you signed it?</p> <p>11 A Right.</p> <p>12 Q After you filed this you subsequently</p> <p>13 got a job at N.Y.U.?</p> <p>14 A Right.</p> <p>15 Q Does April 14th of 1997 sound like</p> <p>16 possibly the date you actually started at N.Y.U.?</p> <p>17 A It's quite possible.</p> <p>18 MR. GOLDBERG: We'll mark as Exhibit</p> <p>19 number 34 N0142.</p> <p>20 (Whereupon, bates stamp N0142 was</p> <p>21 marked as Plaintiff's Exhibit 34 for</p> <p>22 identification, as of this date.)</p> <p>23 Q To your knowledge, is the information</p> <p>24 you put on your application for employment true</p> <p>25 and accurate?</p>
Page 31	Page 33
<p>1 Robert Stephen 31</p> <p>2 Q This is another manual that N.Y.U.</p> <p>3 produced. It says confidential staff reduction</p> <p>4 process. Is this something you've seen at any</p> <p>5 time at N.Y.U. or the policies in there?</p> <p>6 A Staff reduction?</p> <p>7 Q Yes. Have you ever gotten any</p> <p>8 materials that dealt with the separation of</p> <p>9 employment, staff reductions? Are you aware that</p> <p>10 such policies exist?</p> <p>11 A This looks like the policies that are</p> <p>12 in -- from human resources.</p> <p>13 Q Okay. I'm just asking.</p> <p>14 MR. GOLDBERG: We'll mark as Exhibit 33</p> <p>15 N0094 through N0095.</p> <p>16 (Whereupon, bates stamps N0094 and</p> <p>17 N0095 were marked as Plaintiff's Exhibit 33</p> <p>18 for identification, as of this date.)</p> <p>19 Q Mr. Steven, Exhibit 33 looks like your</p> <p>20 employment application at N.Y.U. So if you could</p> <p>21 look at this and tell me, does this refresh your</p> <p>22 recollection that you filled out an employment</p> <p>23 application when you applied for a job at N.Y.U.?</p> <p>24 If for some reason you didn't fill that out and</p> <p>25 I'm mistaken, just tell me, but this is what</p>	<p>1 Robert Stephen 33</p> <p>2 A Sure.</p> <p>3 Q Exhibit 34, is that the resume you</p> <p>4 submitted to N.Y.U. when you applied for a job?</p> <p>5 A Looks like it.</p> <p>6 Q Is that true and accurate?</p> <p>7 A Yes.</p> <p>8 MR. GOLDBERG: We'll mark as Exhibit 35</p> <p>9 collectively bates stamps N0138 to N0141; as</p> <p>10 Exhibit 36, N0143; then as Exhibit 37, N0149.</p> <p>11 (Whereupon, bates stamps N0138 through</p> <p>12 N0141 were marked as Plaintiff's Exhibit 35</p> <p>13 for identification, as of this date.</p> <p>14 Bates stamp N0143 was marked as</p> <p>15 Plaintiff's Exhibit 36 for identification, as</p> <p>16 of this date.</p> <p>17 Bates stamp N0149 was marked as</p> <p>18 Plaintiff's Exhibit 37 for identification, as</p> <p>19 of this date.)</p> <p>20 Q Mr. Steven, I'm going to show you a</p> <p>21 couple of more exhibits.</p> <p>22 Exhibit 35 appears to be some</p> <p>23 additional materials that you submitted when you</p> <p>24 applied for a job at N.Y.U. in April of 1997.</p> <p>25 Those documents bear your signatures where it says</p>

9 (Pages 30 to 33)